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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII

999 18th STREET - SUITE 500
DENVER, COLORADO 80202-2405

Ref: 8-HWM-YF

JUL 1 1991

Mr. David P. Simonson
U.S. Department of Energy
Rocky Flats Office
P.O. Box 928
Golden, CO 80402-0928re: OU 2 (Woman Creek) IM/IRA
and NEPA Delays

Dear Mr. Simonson,

It is our understanding that recent internal DOE discussions have resulted in the conclusion that the OU 2 Woman Creek IM/IRA schedule must include a 30-day NEPA review/approval period for Environmental Assessment review by DOE Headquarters. Further, EG&G has been unable to streamline review procedures for design and construction of processing buildings that accommodate environmental restoration projects. As a result, after months of effort, DOE failed to meet the agreed-upon deadline of 12 June 1991 (see 4167-DOE-91) and remains unable to submit a schedule, the regulatory and public acceptance of which is yet to be determined.

EPA and CDH cannot allow these types of problems to continue to delay action and jeopardize opportunities to control contaminant migration and alleviate potential threats to human health and the environment. We have made our position on this issue clear in previous correspondence, and this position has not changed. Delays incurred due to NEPA, or lack of due diligence in anticipating and responding to schedule problems associated with procurement procedures, are considered grounds for stipulated penalties under the IAG.

ADMIN RECORD

A-DU02-000175

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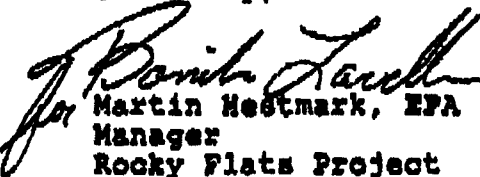
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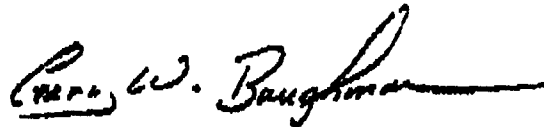
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Control measures were targeted to be in place on the Woman Creek Basin seeps by Spring, 1992. EPA and CDH remain committed to this target. Staff-level discussions indicate this date is achievable were it not for DOE/EG&G procedural requirements (including NEPA), procurement, and design reviews. Thus, if DOE fails to submit an acceptable IM/IRA schedule and scope on or before 8 July 1991, EPA and CDH will be forced to identify, under the terms of the IAG (Paragraph 150), an interim measure for the Woman Creek Basin seeps, and require completion by 1 April 1992.

Sincerely,


for Martin Hestmark, EPA
Manager
Rocky Flats Project


Gary Baughman, CDH
Unit Leader
Hazardous Waste Facilities

cc: Barbara Barry, CDH
Scott Grace, DOE
Tom Greengard, EG&G
Fraser Lockhart, DOE
Bill Fraser, EPA